

MINUTES – MARCH 4, 2013

The Caswell County Board of Commissioners met in regular session at the Caswell County Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, March 4, 2013. Members present: Cathy W. Lucas, Chair, Kenneth D. Travis, Vice-Chairman, Nathaniel Hall, Larry G. Hamlett, Jeremiah Jefferies and N. Kent Williamson. Absent: William E. Carter. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chair Lucas opened the meeting with a Moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

The Board of Commissioners and all the guests in the audience recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Chair Lucas stated “Before we approve the agenda we need to remove Item #6 which is the Presentation of the Caswell County Heritage Trails Master Plan by Mr. Chad Hall.

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the Consent Agenda. The motion carried unanimously.

The following items were included on the Consent Agenda:

- A. Approval of Minutes of February 18, 2013 Regular Meeting

PUBLIC COMMENTS

Mr. George Daniel stated “Madam Chair is this the right time; I see that you all will have a second vote on the reclassification, to make public comment to that?” Chair Lucas responded “Yes.” Mr. Daniel continued “Thank you.”

Mr. Daniel made the following statement:

“Madam Chair and members of the Board I understand that you all have had one vote on the reclassification and I ask you to be very steady as you go in looking at this. If you will remember there was a difference of opinion as to the need that was going to be met with the

intake that was going to be put in Milton. I was involved with a private landowner on the condemnation action. The County had the lawsuit before that and the Court of Appeals ruled so the intake got delayed. Dominion Resources felt at that time that there were a lot of obstacles still that had to be met before actually the water could be taken out of the Dan River and I still think there are a lot of obstacles. A lot of water has gone down the river since then and we have a new meaning towards that river and I can tell you that our neighbor to the north, the City of Danville has put a lot of effort into reclaiming the river not only for the city there but for this entire region. It is truly an asset that we have to the point that the whole development structure in the downtown tobacco district in Danville is being centered right around that river and the things that can be done with it. One day somebody is going to be looking at you, the Board members, saying why did you vote the way that you voted. It may not be tomorrow, it may not be next week, but there are a lot of landowners in this county that are going to be affected with this watershed restriction, a lot of farmers and a lot of folks. I don't know but I did hear from an individual, I understand that there may have been some advisement that came to the Board that you are in a box and that you have to sign this and that you had to vote in a positive manner because if you didn't there would be repercussions if you did not as board members and possibly even personally. Well the only thing I can say to that is that I would hope that you would take the time and spend the time to determine if that is the case but I find that very well if I were sitting as a board member I would be very challenged by that and I would ask those who certainly voted in the positive of this to reflect upon this and what it is going to mean in the future for the County, what it is going to mean for the landowners certainly that are going to be most affected by this. That is why I am here tonight and I hope that you take this into consideration."

Chair Lucas asked "Is there anyone else that did not sign that sheet that would like to address the Board tonight?"

Mr. Russell Johnston made the following statement:

"My name is Russell Johnston from Bertha Wilson Road in Providence. Good evening Madam Chair and Board of Commissioners I wanted to come here tonight to talk about the Dan River reclassification. As a landowner in that area I am opposed to it and my Dad also has farmland on the Dan River and he is opposed to it as well. There are restrictions that will affect him in this. I wanted to come here to voice my opposition to it and I hope that you all will do the same and fight this. Thank you for your time."

Chair Lucas asked if there were any others that would like to speak during Public Comments. With no other comments Chair Lucas declared Public Comments as closed.

STATUS ON LOCAL ENFORCMENT OF SUPREME COURT RULING REGARDING INTERNET ENTERTAINMENT

Mr. John Claggett, Planning Board Chairman, stated "Good evening. First I would like to take the opportunity to give the Commissioners a brief update regarding the Planning Board. Currently the Planning Board is working with the County Planner and Holland Consulting Planners Incorporated reorganizing Caswell County's existing land development and land use

ordinances into a single Unified Development Ordinance. This will accomplish reorganization of existing regulatory provisions, eliminations of duplications, streamlining and clarification of procedures, elimination of conflicting provisions, the incorporation of changes to ensure consistency with current North Carolina statutes. The Planning Board is making good progress on the UDO and that is why we are planning a session for public awareness including comments and/or questions in a not too distant future. During our last Planning Board meeting a discussion came about regarding putting language in our UDO concerning Internet Sweepstakes issues such as licensing, application processing, location and things of that nature which leads me to the second reason for addressing you this evening. It is in reference to the North Carolina Supreme Court's recent decision stating that these establishments are illegal and the Attorney General's office passed the enforcement of this decision onto the local law enforcement authorities. I am noticing that these establishments continue to operate periodically throughout the County. After receiving numerous inquiries the Planning Board would like to know the status of this endeavor by local law enforcement so as to provide proper status to our vendor on how to proceed with the task at hand. We don't want to mistakenly legitimize, by way of ordinance, an illegitimate establishment as that is exactly the kind of thing the unified development ordinance is trying to clean up. Now if these establishments have been permanently closed down by local law enforcement then this is a mute point. The Planning Board would like something of substance to proceed with and a timely answer on this would be greatly appreciated. I don't know if I should address the county attorney or county manager but we all benefit from the answer."

Mr. Ferrell stated "I am happy to tell you what I know about it to the extent it is helpful to the Planning Board to guide its process. As you rightly said the Supreme Court has outlawed Internet Sweepstakes businesses. The exercise in the industry though appears to be like a game of whack-a-mole. The Supreme Court set guidelines about what the software and the games could not be. The vendors promptly changed their offering to try to comply and hence the game continues on but my understanding is local law enforcement in conjunction with the District Attorney's office are going to enforce the ban and that is the status. I don't know but you might want to talk with the Sheriff directly but I have had correspondence with him and he has indicated that he and the district attorney are moving forward with enforcement. Is that helpful?"

Mr. Claggett stated "Yes. I noticed on the Internet Sweepstakes establishment on 86 North, there is a handmade sign in the door that says 'Open from 9 a.m. Until' and 'Closed until further notice'. Upon looking inside I am seeing the display screens, I am not seeing the machines so I don't know if the Sheriff's Department got the machines. If the machines, that is not kind of my concern but it kind of is, we would like to know where to do with this. If they are not going to reappear then we don't have to address it in the UDO." Mr. Ferrell responded "I think the county except in the limited area around Hyco Lake does not have zoning and zoning is what contains use restrictions, if you will, the type of activity, business, commercial, residential or otherwise that is being permitted. Since the county at large, I am assuming these businesses are not located within Yanceyville but outside, if they were in Yanceyville they are subject to Yanceyville's zoning jurisdiction but to the extent that they would be included in the county's jurisdiction and since we don't have zoning which regulates uses the county could look at something freestanding if it wanted to pursuant to its police power, general police power if there is some health safety welfare around these businesses but I don't believe the UDO would necessarily need to address or could address since we don't have zoning the particular use

restriction, i.e. you can't locate this business here." Mr. Claggett stated "Like our ordinance with Sexually Oriented Businesses." Mr. Ferrell continued "Exactly, so that is a specific standalone set of regulations that have been adopted pursuant to the police power and not pursuant to any zoning or land use authority but pursuant to your..." Mr. Claggett stated "That has nothing to do with zoning." Mr. Ferrell responded "Exactly."

Chair Lucas asked "Do we know if the local law enforcement has taken any action or not with the ones that are currently here?" Mr. Howard responded "There is only one open at the moment in the Pelham area. I think the way and I am not positive about it but I think the way they set up the law or the ruling is we don't have the authority to shut them down but they are operating illegally so if they are caught operating the machines as it has been deemed illegal they can be fined in court over that and face charges for that."

Mr. Ferrell stated "And Mr. Claggett probably knows, this is an evolving landscape and it is an issue for the counties all across the state." Mr. Claggett responding "And the law enforcement is enforcing it in some art." Mr. Ferrell continued "In some art, that is exactly right. It is my understanding that the Sheriff plans to enforce the law." Mr. Claggett asked "So our local law enforcement is planning to enforce it?" Mr. Ferrell responded "I don't know where he is in the process but he may already be far along in that process. I would recommend you ask the Sheriff and asked the District Attorney because they are responsible for criminal law enforcement. Like it or not this Board does not have any ability to enforce the criminal laws." Mr. Claggett stated "Thank you."

DETENTION CENTER UPDATES AND CHANGE ORDER

Mr. Jim Brennan stated "Good evening. Thanks for having us today. I do want to start by saying I know that we were initially planning to be on the agenda for the last meeting but we had not completed all of the meetings with all of the various contractors. We wanted to have those meetings so we could tell you what we know to date. As you all may know Dennis Foster represents our company on site on a daily basis. He has firsthand knowledge of what is going on every day on the project. He is a key factor in coordinating with the office on what issues need to be resolved and the answers that are needed. David Cruseturner is also with me here this evening. He has been heading up the meetings with all of the contractors as far as where we are, what is needed to get finished, and the status of the delays. We now have a pretty good picture of the current status. We are anticipating that the building will be ready in May and that is based on information that has been given by the contractors. We have found that many of the primes have worked very hard in getting the work finished. The electrical work is targeted to be done in a couple of weeks." Mr. Dennis Foster added "They do have a few change order but they do plan to be out of her within the next two weeks." Mr. Brennan continued "There seems to be a good sense of cooperation in targeting when you will be able to get into the building. What we are finding is the critical path items mostly fall under HM Kerns' package. The three main items there are the lift station in which they have started construction last Thursday so that is on the way and if works continues to proceed, it should not be a critical path. We have found a number of items that were not in compliance with the contract documents. Many of those have already been identified and repairs have been made. The biggest one in the Kern package as far as the timeline is the special coatings on the walls in the showers and kitchens. We have been working

very closely with them and with the manufacturer to identify the best way to move forward. One of the issues was that the block we put on the wall was incompatible with the product. All of that has been researched and we are moving forward to try to bring that to closure. The longest lead item is the metal panels that go at the top of the building. We heard last year they were going to arrive in November, then December, then January, then we were told March and now we are being told April so based on an April delivery date that is what lead us to the timeline that we cannot finish the building until it is enclosed. Out of all the issues we feel that is one of the most critical ones in the timeline. There are still and I know a number of you toured the jail today, there still a number of refinements that need to be made such as treatments on walls, cracks in some walls that need to be repaired. Dennis is coordinating that and doing a terrific job in getting the crews to do that. We are working diligently every day to get it done and we are trying to keep everyone focused on getting the project finished and not on who is holding everyone up. We feel it is moving in the right direction and we continued to push and work with the primes to make that happen and keep you informed on a monthly basis of the status. Are there any questions?"

Chair Lucas asked "I have one initially, the metal stripping that you are talking about around the building, what actually caused the delay with that if it was supposed to be in November?" Mr. Cruseturner responded "I am David Cruseturner and I take care of the management services and I have been in prison construction for over 25 years. The short answer to that question is there was plenty of time before last November to get all of this stuff ordered. On day one when we started this process that did not happen. Kevin has gotten to know me and I don't mince words, I am a construction guy and they just failed to comply with the order." Chair Lucas continued "Now who specifically would that be?" Mr. Cruseturner responded "H M Kerns. Chair Lucas stated "It would be Kerns." Mr. Cruseturner responded "Yes they could have started the order on the metal when they got the contract. So construction is a process. Kerns is not the only one that has problems. The job has been going for over a year and we should not be waiting on that metal. Quite frankly this should have been done a long time ago. I was brought into this process to get things rolling. I don't have all the answer but I am trying to get all the answers."

Mr. Brennan stated "We don't know if the problem is in the production timeline from the manufacturer of the panels or the date that the panels were ordered. We have been told several dates on when it would arrive."

Chair Lucas asked "Do we not have a record of when they were ordered or?" Mr. Brennan responded "We did not order that." Chair Lucas continued "That would have been Kerns." Mr. Brennan responded "Yes." Chair Lucas asked "I have one other question about the lift station. What actually happened with that? It was left out of the plan totally or?" Mr. Brennan responded "In essence if you will remember we got into a situation where the sewer line connection was not where we thought it was going to be and adding the lift station was the best way to move forward. It was the shortest path to get to the building so we are now on track in getting that installed. If the worked is completed at the rate it is know it should be finished fairly quickly." Chair Lucas continued "So it is being installed currently?" Mr. Brennan responded "Yes." Mr. Foster added "They started last Thursday. We are waiting for the actual boxes to come in. This is not a long term item." Mr. Cruseturner stated "We were told the boxes were not on site but they should be here on March 26th."

Commissioner Hall stated "We want to kind of summarize this. We have talked about the special coatings. We have talked about the metal panels and the lift station. Can you give us or me a summary of what happened and who is responsible for not meeting the December January date. Rather than going around piece mill give us a list on who did what even if it was us. That is what I want to hear." Mr. Brennan responded "Well I think in the project status report we said all of this. We stated which prime contractor was holding up the others." Commissioner Hall asked "Is that the one we saw about a week or two ago? There was a lot of stuff in there. Some completed and others not. What I want is something like an executive summary. You had five people who did not do what they were supposed to do and this, this, this and this and therefore we did not make the December or January delivery date and who is going to suffer the consequences." Mr. Brennan responded "We addressed some of that in our February 26th letter." Mr. Howard added "It was in your packet for this meeting." Mr. Brennan continued "In that letter we addressed what is anything in those packages caused fault. It could have been a delay in the critical path." Commissioner Hall asked "Is that short enough that you can just tell me in three minutes or less? A company, B company, C company, Caswell County." Mr. Cruseturner responded "Well Bordeaux had packages 1, 2 and 3 and they have currently rectified their problems." Commissioner Hall asked "Okay what happened that we did not meet the December 31 or January 1 that was the initial delivery date, I just want the summary, Bordeaux did not do it..." Mr. Cruseturner responded "There were problems all the way through it. One of the major problems was the structural steel did not get delivered on time per the schedule." Commissioner Hall asked "And that was?" Mr. Cruseturner responded "Kerns. Norman Company did not deliver the door frames as scheduled which created another situation. Really those are the two big issues that caused the delay and they are the two larger contracts." Commissioner Hall asked "So they are the cause of us not completing this project on time?" Mr. Cruseturner responded "They were part of the problem yes sir. I understand what you are asking but until it is done we have to concentrate on getting the work done. I can answer your questions day by day but that is not getting the jail finished. We work for you and if that is what we need to do I will do that. Norman is not happy with me. Bordeaux is not happy with me. Upchurch is not happy with me and I will do that all day long if that is what you want me to do. I do not work for any of them I work for you all." Commissioner Hall stated "There are some folks out there that can vote for us. I guess my point is I am not suggesting that you stop what you are doing but we need to make some decisions and to make those decisions we need some information. Part of that information is who is responsible for what. We can't wait well I would not say we can't but it is not my preference to wait until May or June and say well so and so did not do this in December, March or April." Mr. Cruseturner responded "We have their retainers. As long as we don't turn the money loose we got them. We will hold the person responsible." Commissioner Hall stated "We have more at stake than that. We have a facility to open. It is a bigger picture."

Mr. Brennan stated "I know time is of the essence now and we are going to push them as hard as we can to get the building open. One thing we are committed to doing and we spoke on that process a little bit is to make sure what has been built is done properly and at the end of the day you have a building that is going to be a long term asset for this county. Even though we are pushing as hard as we can there are some areas that we are insisting that some of the work be redone because the work is not acceptable. In terms of the line items on how the project got delayed and what was the contribution of each of the contractors all of that has been sorted out."

We know for a fact that not having the bar joist on site and the door frames started the schedule to crumble but that is not the problem now with the path between now and day we open. The goal between now and the day we open is to get a completed project. There are three, four or five contractors that cannot get the work done because of another part so that is what we are focusing on. Most of those items are critical path. Parts of those are in HM Kerns package and when that work is done the other contractors have already given us timelines to finish. We will give you a very detailed summary of all of that as soon as it is available.”

Chair Lucas asked “So you are basically dealing with the delay past December you are not dealing with the instances that happened prior to that?” Mr. Brennan responded “We will provide you with all the information you need to take whatever action is needed to move forward and how it relates to rectify it but doing that will not get your jail done. The delay we are worrying about right now is the work that we know needs to be done at this present time.” Mr. Cruseturner added “These items that are documented were documented in July but the contractors have denied it or avoided it. We are working on it.” Chair Lucas continued “One thing that I found interesting, for me personally, walking through today it seemed like the administrative side was much further along being completed than the actual jail portion of the project almost to the point that it looks pretty good on the administrative side but focus needs to go to the actual jail.” Mr. Cruseturner responded “That is an easier process than the jail.”

Commissioner Hamlett asked “How many crews do you have out there now working since you are going to start picking up the pace because at 5:00 today I did not see nobody out there?” Mr. Cruseturner responded “We have staffed that job and told them that we could work 24 hours a day 7 days a week. The door is open on Saturdays. The Brennan Group, we have had staffing there all along on weekends and nobody showed up. I agree with you.” Commissioner Hamlett continued “I was there at 5:00 today and not a soul was there except for you all.” Mr. Cruseturner responded “I know if I had a company that had stuff in arrears we would be working. There are lights in the building so there is no reason why they shouldn’t be working.” Commissioner Hamlett asked “Do you think you still are going to have trouble from here on out because what you are saying to me now is they should be working right?” Mr. Cruseturner responded “Yes sir.” Commissioner Hamlett continued “So you are still having communication problems you think?” Mr. Cruseturner responded “Well I think to recap the scenario. I flew out of Little Rock to get them to answer a question. I flew into Charlotte to meet with them to get answers. To get them to answer the questions was very hard. They are working but at 4:30 they are gone. Kerns has most of the work but they have had the least exposure. What we are dealing with now is the work is not completed good. I have been going through change order that they think they are entitled to and Caswell County should not have to pay for that. What we want to do is get the job done and done right.”

Commissioner Jefferies asked “When I walked through there today it looked like a wall had been torn back down and then I looked up at the cell and it looked like they had to go back and re-weld it. Is nobody following up when the work is being done so they have to go back and redo it?” Mr. Cruseturner responded “That is one of the things that were told to them in July that was not acceptable. We have our documentation that told them that it was unacceptable. The rough ceilings inside the cell and the concrete work well what I am doing and the sheriff and I walked

through and noted these things. I am working with a company out of Charlotte that does pre-cast construction and they are supposed to give me a dollar value for the deficient work. Bordeaux will not get paid for defective work. Inside those ceils at the jail are not perfect but to rectify the problem everything will have to be shut down and being a grinding crew in there which will create all new dust and we are talking about a long process to get the jail open. The decision was made to seek reimbursement. For example the toilets had burrs on them from the factory. It cost them \$5000 to come back to Caswell County to touch up their stuff. We are going to get it right.”

Chair Lucas stated “Moving along to the second part of this, we received the information on this change order just this afternoon so I don’t think any of the commissioners have had time to actually take it in so I would have to ask the rest of the Board what is your pleasure as far as this change order is concerned?”

Commissioner Hamlett stated “It is not good timing to bring it up tonight.” Mr. Brennan responded “I understand but it is in the terms of the contract. As I said we have already spent 2 months of full staff so I felt it was time for us to ask. It is all spelled out in the contract and they are items that at the end of the day that should not be a cost to the county.” Commissioner Hamlett asked “How many people are actually working out there every day?” Mr. Foster responded “Usually we have 10 to 12 companies and 20 to 30 people on a regular basis.” Commissioner Hamlett continued “How many did you have today?” Mr. Foster responded “Today we had right around 15.” Mr. Brennan added “Commissioners just to clarify the only people we have is one. The other people are the contractors.”

Chair Lucas stated “Back to the change order I will direct this to the attorney. Have you had an opportunity to look at this?” Mr. Ferrell responded “Kevin sent me an email just this afternoon and I have not had a chance to run through the contract provisions but this is the first change order for the project and if you would not mind working with the manager and me on the regular change order request and this is something that the Board will consider. We meet every two weeks and I can just look at the contract provisions one more time that he has referenced in this letter and I think we can take it up at the next meeting if that will not create a problem.” Mr. Brennan responded “That will be fine.”

SECOND VOTE ON THE RECLASSIFICATION OF THE DAN RIVER WATERSHED AREA

Mr. Howard stated “As is said in my memo the first reading had to have a unanimous vote by the entire Board and we did not. We a 4-3 vote so that is why we are bringing it back for a second vote tonight at the next meeting.”

Chair Lucas asked “It had to be at the very next meeting?” Mr. Howard responded “Yes ma’am.” Mr. Ferrell added “This is typical process and I think we have done it a time or two for some other provisions of your police power. You have 100 days to get the majority vote.”

Commissioner Hamlett asked “Are you supposed to have the full board here when you do it or does it make a difference?” Mr. Ferrell responded “You have a quorum so you have plenty of

members to affect action. A full complement is desired of the board. I think you had a full one during the vote the last time. Again this just has to be back or it has to be approved if it is going to be ultimately approved within 100 days of its first introduction.”

Commissioner Lucas asked “I have a question for you Brian. In the Interlocal Agreement that was signed back in 2008 it said in Section 7.4 that ‘Within 60 days of the execution of this Agreement, Caswell County shall, in accordance with G.S. 143-214.5, enact and submit to the North Carolina Environmental Management Commission a local water supply watershed management and protection ordinance acceptable to the Commission’ obviously that was 5 years ago so we did not meet that part of the interlocal agreement requirement, where does that leave us with that part?” Mr. Ferrell responded “Well I think the manager can speak so to why it did not happen at that time.” Mr. Howard stated “Without State approval of the reclassification they did not require us to go ahead and put it into effect so we were allowed the timeframe to wait until the State actually approve the reclassification which that was done this past summer and we were given 9 months.” Chair Lucas continued “So you were given special permission to not...” Mr. Howard responded “All parties agreed that we did not have to do that until the State approved the reclassification. There was no sense for us to put it into effect until the State actually approved it.”

Commissioner Williamson asked “Is this watershed ordinance any different from the one that is on Country Line and the one we just approved for the Haw River?” Mr. Howard responded “It is different from the Country Line Creek but it is the same as the Haw River.” Commissioner Williamson continued “So it is not as stringent as the Country Line right?” Mr. Howard responded “Right.”

Commissioner Williamson moved to approve the reclassification since there is no difference in the other ordinance that has been put into effect for Haw River and Jordan Lake.

The motion dies due to a lack of a second.

Chair Lucas moved, second by Commissioner Hamlett to oppose the reclassification of the Dan River Watershed area.

Commissioner Hamlett asked “I would like to get a clarification if I may. I would like to ask the attorney where that leaves us.”

Chair Lucas stated “We have a motion on the table and a second so.” Mr. Ferrell asked “What is the motion again?” Chair Lucas responded “The motion is to oppose the reclassification of the Dan River Watershed area.” Mr. Ferrell stated “This Board has heard from me about my legal opinion about the effects of that.” Chair Lucas responded “We have.” Mr. Ferrell continued “And should you want my legal opinion again I will be happy to give it to you but I think that is a closed session item for Attorney/Client privilege given the potential impacts both from the State regulatory perspective and also from a contract perspective.” Chair Lucas responded “Understood.”

Upon a vote of the motion, the motion failed by a vote of three to three with Commissioners Hall, Jefferies and Williamson voting no.

Chair Lucas stated "We have a tie vote." Mr. Ferrell stated "You need a majority for board action." Chair Lucas stated "So we have proceeded with our requirement of having the second vote on the issue." Mr. Ferrell responded "The item has to be brought back up and if it is not approved within 100 days in a second reading it does not have an effect on the ordinance." Chair Lucas asked "We just had the second reading, is that right?" Mr. Ferrell responded "You can bring it back anytime and have it approved within the next 100 days. It does not say that you introduce it one time and you don't get the majority votes that it never come back again. I can read you the statute if you would like." Chair Lucas stated "That is not necessary to me unless the other commissioners want to hear it."

DISCUSSION FOR UPDATING THE CASWELL COUNTY COMPREHENSIVE PLAN THROUGH THE NC COMMUNITY TRANSFORMATION GRANT

Mr. Howard stated "We had discussion last Thursday at the Board's special meeting. I just want to entertain the Board's perspective on if they want to apply for this grant. It is a \$25,000 grant to pay for the County to do a new comprehensive plan."

Chair Lucas asked "So what you are asking for Kevin is approval on applying for the grant?" Mr. Howard responded "Yes ma'am. We are not sure we will receive the grant. We just need to let them know by the 15th that we are applying." Chair Lucas continued "We are not sure we will receive the grant. We just need to get permission to apply." Mr. Howard stated "We have been told we will get the grant but we need to give them an intent by March 15th."

Commissioner Hall moved, seconded by Commissioner Jefferies to approve the request to apply for the NC Community Transformation grant. The motion carried by a vote of four to two with Commissioner Hamlett and Lucas voting no.

PROPOSALS FOR TEMPORARY LANDFILL GAS MONITORING SERVICES

Mr. Howard stated "I have spoken with the State and I was hoping to have a letter to give you at this meeting but I have not received that yet. You have a chart in front of you that has yellow highlight on it. We had some readings done back in December. SM&E came out and did our ground water sampling. The highlighted area is the methane gas readings in the landfill. The first, MW-1 through MW-6 those are the monitoring wells and those are to be considered good readings. But my understanding of this process is it takes place on a monitored well and screening is below the water level. If it is a high reading it can be validated. If it is a low reading in which that is what these are you are never quite sure because of the location of the screening. You have to be above the water table if you want to get a reading on the methane gas. LGV-1 through LGV-6 is the gas vents that are installed on the landfill itself, on the closed landfill. Those are all greater than 100 and those are all high numbers. In talking with Christine Ridder with the State they are going to require us to at least do the temporary monitoring wells. She did say it is likely that we would need to do the permanent monitoring wells but they would allow us to do the temporary ones first to make sure due to those high readings. I am requesting

that the Board go with my recommendation in the memo to go with Smith/Gardner Associates to install temporary monitoring wells.”

Chair Lucas asked “Where would the money come from to pay for this?” Mr. Howard responded “Solid Waste.” Chair Lucas continued “And your recommendation is to go with the low bid?” Mr. Howard responded “Yes ma’am.”

Commissioner Hamlett asked “Kevin what is the difference if you have to dig the wells?” Mr. Howard responded “If we have to do the permanent wells? The temporary wells could be converted into permanent wells rather easily. The cost for the permanent wells was around \$15,000 to do the permanent monitoring.” Commissioner Hamlett asked “Each one?” Mr. Howard responded “No sir for the total cost and that includes some monitoring as well. This includes the monitoring as well as the well installation. I think the three wells are right around \$1000 a piece.” Commissioner Hamlett stated “I have three wells and it cost me around \$18,000 at 27 feet. There was an extra \$200 for something on here.” Mr. Howard responded “That is if we actually get permanent wells they can cap them.”

Chair Lucas asked “How long will that take, does it say in here?” Mr. Howard responded “I am thinking it can be done within 30 days.”

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the recommendation from the County Manager on the temporary landfill gas monitoring services.

Commissioner Williamson asked “Can you clarify the part on the temporary wells so that they will be permanent and it will be less money on the front end versus going back?” Mr. Howard responded “They will just dig those so they can be converted to permanent wells. You could do temporary wells at a minimum and they can be converted to a permanent well if needed.” Commissioner Williamson continued “Did this say how much? I think it was just a few hundred dollars.” Commissioner Hamlett responded “It is \$200. I think we ought to do that.” Commissioner Williamson asked “If I may I would like to go along with the motion but add to that we dig these digs for the extra couple of hundred dollars to make them permanent wells since the information that we have received from the state says we are probably going to have to make them permanent anyway. It will be money spent on the front but saved if we had to do it later on.” Chair Lucas asked “But there is still the question that we might not have to do that though right?” Commissioner Hamlett responded “We are going to have to do it, trust me.” Commissioner Williamson stated “I am going by the information that I have received from Mr. Howard that has been fed to him by the state.”

Commissioner Travis stated “If that is what Mr. Howard thinks should have been done then the recommendation should have been that.” Commissioner Williamson responded “I understand that too but I would like for you to make the motion to amend it.” Mr. Howard stated “That \$225 is included in...” Commissioner Travis stated “I thought the first time we got this the \$5800 was going to take care of the whole thing and they would be permanent.” Mr. Howard continued “To make it a permanent well it will cost us \$225 to make those permanent wells.” Commissioner Travis asked “Is that per well or what?” Mr. Howard responded “No that is for all three wells.”

Chair Lucas asked "But you are waiting to hear still from the State? What is the letter that you waiting to hear on?" Mr. Howard responded "Basically telling you what I just told you. I would just verify our conversation." Commissioner Travis asked "But if they put them temporarily it will cost more to come back and make them permanent right?" Mr. Howard responded "Yes sir." Commissioner Travis stated "We would probably be better off to spend the \$250 because you know they are going to want us to go back and put in the permanent ones." Commissioner Williamson stated "That is why I wanted to amend that motion to make them permanent wells." Mr. Ferrell stated "If Commissioner Travis accepts as a friendly amendment in his motion then you just then a second."

Commissioner Travis moved, seconded by Commissioner Jefferies to amend the original motion to make the wells permanent. The motion carried by a vote of five to one with Chair Lucas voting no.

APPROVAL OF E-911 EQUIPMENT LEASE CONTRACT

Mr. Howard stated "We discussed this a couple of meetings ago. I wanted to point out that the original estimate we gave you did not include the sales tax. This one includes the sales tax but we will get that reimbursed but it will make an annual payment of about \$3,000. When we get the sales tax we will apply that to this. It went from \$71,000 to \$74,000."

Mr. Ferrell stated "There are two items that require your action. One is to approve the Municipal Lease-Purchase Agreement that is in your packet and another to approve the resolution that is also part of the document package. We talked about this previously when this item was before you that this is an installment financing agreement permitted by general statutes. Your finance officer was worked through the tax and other implications that you just heard a little bit about but the two actions that you need are to approve the lease-purchase agreement and approve the resolution as part of your package."

Commissioner Travis asked "All of this money is coming out of 911?" Mr. Howard responded "Yes sir."

Commissioner Travis moved, seconded by Commissioner Williamson to approve both the lease-purchase agreement and the resolution for the E-911 equipment contract. The motion carried by a vote of five to one with Commissioner Hamlett voting no.

APPROVAL OF HVAC ENGINEER CONTRACT FOR COURTHOUSE

Mr. Howard stated "We send out proposals to engineering firms to help to design and to redo the HVAC in the current Caswell County Courthouse. We actually send out 5 but we only received 2 in. I had 3 show up for the pre-bid conference. Both engineering firms had stellar, they have done much larger projects than this one. We had good references and good experience in this. You have the price for both of them in your packets. Sigma Engineering \$38,000 and Sud Associates at \$47,250."

Commissioner Hamlet asked “Where is this money coming from?” Mr. Howard responded “This will come out of the Capital improvement fund.” Chair Lucas asked “What is the balance in there now?” Mr. Howard responded “About \$180,000.”

Commissioner Jefferies moved, seconded by Commissioner Hall to approve the lowest bid and to take \$38,000 out of the Capital Improvement Fund. The motion carried unanimously.

Mr. Ferrell stated “Madam Chair this will be back in front of you in the form of a contract now that you have selected a vendor we will go into contract negotiations so you will see a final contract for these services come back.”

COUNTY MANAGER’S REPORT AND UPDATES 2013 County Grassroots Advocacy Meetings with Legislators

Mr. Howard stated “This is just a request from the Association for each County to meet with their state senator and state representative. We have done this pretty much annually since I have been here. If the Board wishes to do this I will contact Senator Woodard and Representative Jones to get some dates to work with.”

Chair Lucas asked “Do you remember what particular month we did that in?” Mr. Howard responded “It is usually in March.” Chair Lucas continued “It is in March.” Mr. Howard responded “Yes it usually depends on where it is a short or long session.”

Mr. Howard stated “One item I would like to add is I called you last week. We had an inmate in the jail last Thursday that was having some issues in the jail. EMS was called and he was transported to the hospital and he passed away. I just wanted to inform the County Commissioners and the public.”

ANNOUNCEMENTS AND UPCOMING EVENTS

- A. Joint Meeting with the Town of Yanceyville and the Town of Milton – Thursday, March 14, 2013 at 6:00 p.m. at the Thomas Day House.
- B. Heritage Day – Saturday, May 18th 9:00 a.m. until 2:00 p.m.
- C. County Employee Family Picnic on June 22, 2103 with a rain date of June 29, 2013.

Mr. Howard stated “I would like to make a comment about the first one, the Joint Meeting. I am talking the Rural Economic Development course and I will be in Raleigh that day. I am going to try to leave early that day but I may be a little bit late for the meeting with the towns.”

CLOSED SESSION

Commissioner Hamlett moved, seconded by Commissioner Travis to discuss matters relating to economic development (NCGS 143-318.11(a)(4)) and to preserve the Attorney/Client privilege – Triumph, LLC v Alamance-Caswell LME, an Area Authority/Local Management Entity, Alamance County, and Caswell County, Alamance County v PBH d/b/a Cardinal Innovations,

John P. Paisley, Jr., Jandy Andrews and National Digital Forensics, Inc., Alamance County File No. 12CvS1365 (NCGS 143-318.11(a)(3). The motion carried unanimously.

REGULAR SESSION

Commissioner Travis moved, seconded by Commissioner Hamlett to resume regular session. The motion carried unanimously.

Commissioner Jefferies informed the Board that the Yarboroughs Mill Road Bridge was finally being worked on by NCDOT.

ADJOURNMENT

At 7:55 p.m. Commissioner Hamlett moved, seconded by Commissioner Travis to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Cathy W. Lucas
Chair
